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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

NO. CR 08-0222-WHA

(Ninth Circuit Nos. 10-10286, 10-10283)

Plaintiff and Respondent,
vs.
LUKE BRUGNARA,
Defendant and Appellant.

**DECLARATION OF KAY BRUGNARA
IN SUPPORT OF MOTION FOR
RELEASE OR BAIL PENDING APPEAL**

Date: April 5, 2011
Time: 2:00 p.m.
Ctrm: Courtroom 9, 19th Floor
Judge: Hon. William H. Alsup

I, KAY BRUGNARA, declare:

1. I am the wife of Defendant and Appellant Luke Brugnara ("Luke"). We have been married for 21 years and have four minor children.

2. If called as a witness I could and would competently testify to the facts set forth herein.

DECLARATION OF KAY BRUGNARA IN SUPPORT OF MOTION FOR RELEASE OR
BAIL PENDING APPEAL

1 3. After Luke's motion to withdraw his pleas was denied and he was sentenced to 30
2 months in prison, he was released into my custody and supervision on May 30, 2010 so that he
3 could self-surrender.

4 4. Luke's attorney Brian Getz had advised us that Luke would not have to self-
5 surrender until sometime in August so he could get our affairs in order. We also understood that
6 Luke would be sent to Lompoc Camp in California to do his sentence. This was a location close
7 enough to San Francisco to allow the children and I to visit Luke.

8 5. On late Friday afternoon, June 11th, a week after Luke had filed notice of appeal,
9 we received a call from Mr. Getz notifying us that Luke was to self-surrender on June 14th to
10 FCI, La Tuna Texas. We were shocked and unprepared. Mr. Getz advised that he would make a
11 motion on Monday morning June 14th to extend the time to surrender and we need not appear at
12 that time.

13 6. On June 14th, Mr. Getz's office called us to advise that the motion to extend the
14 time to surrender was denied and that we needed to get to FCI, La Tuna Texas. As we were
15 unable to make arrangements to fly, I notified Richard Sarlatte of Pretrial Services that Luke, my
16 oldest son and I would drive to La Tuna, Texas. Mr. Sarlatte told me to call to keep him advised
17 of our location and to bring back the ankle monitoring device when I returned back to San
18 Francisco. We drove approximately 1200 miles all night and I surrendered Luke to FCI, La
19 Tuna Texas at 5:00 p.m. on June 15th. My son and I then drove back and I returned the ankle
20 monitoring device to Mr. Sarlatte.

21 7. Neither myself, my children or anyone else has been able to visit Luke due to the
22 fact that he is incarcerated so far from San Francisco. Luke was unable to straighten out our
23 affairs before his incarceration and this has caused my family and I considerable hardship.

8. I currently reside with our four children at 224 Seacliff Avenue in San Francisco, California, our family's long-time home. All four children are currently enrolled in public schools in San Francisco.

9. If Luke is released into my custody and supervision I will ensure that he surrenders back to prison if necessary. Luke does not present a danger to anyone in the community. He is a devoted father to his children and to my knowledge he has never threatened anyone.

8 10. It is a tremendous hardship to my family and me to have Luke incarcerated in
9 Texas and this also affects the ability of him to work on his appeal as communications with him
10 are sporadic.

11 11. Luke has told me of numerous attacks he has sustained in prison and his health has
12 deteriorated as he has lost close to 100 pounds.

13 I declare the foregoing to be true and correct under penalty of perjury this 22nd day of
14 March, 2011 at San Francisco, California.

Kay Brugnara
KAY BRUGNARA